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PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

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October 21, 2004

FACSIMILE COVER SHEET

To: Examiner Chun Cao
Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22213-1450

From: Scott A. Stinebruner
Reg. No. 38,323

Re: U.S. Patent Application
Serial No. 09/809,408
Filed: March 15, 2001
Applicant: Jennifer Anne Dervin et al.
Art Unit: 2115
Confirmation No.: 3577
Our Ref: IBM/181

Fax: 703-872-9306

Enclosures:

Fax Cover Sheet containing Certificate of
Facsimile Transmission (1 page)
Transmittal containing Certificate of
Facsimile Transmission (2 pages)
Amendment and Response (20 pages)

Pages: 23 (including cover sheet)

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Judith L. Volk
Judith L. Volk

October 21, 2004
Date

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PATENT

Att'y Docket No. IBM/181/124
Confirmation No. 3577

CERTIFICATE OF FACSIMILE TRANSMISSION

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Judith L. Volk
Judith L. Volk

October 21, 2004
Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jennifer Anne Dervin et al. Art Unit: 2115
Serial No.: 09/809,408 Examiner: Chun Cao
Filed : March 15, 2001
For : AUTOMATED NODE RESTART IN CLUSTERED COMPUTER SYSTEM

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT TRANSMITTAL

1. ☒ Transmitted herewith is an Amendment and Response.
2. ☐ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.
☐ Enclosed is a verified statement to establish Small Entity status
☒ Other than a Small Entity
3. The fee has been calculated as shown below:

CALCULATION OF FEES

Fee:	Number of Claims After Amendment:		Previously Paid For:	No. Extra:	At Rate:	Amount:
Total Claims	38	minus	38	0	\$18	\$0.00
Independent Claims	11	minus	11	0	\$88	\$0.00
MULTIPLE DEPENDENT CLAIM FEE					\$300	\$0.00
TOTAL FEE FOR CLAIMS:						\$0.00

- ☒ No additional fee for claims is required.

Page 1 of 2
Serial No. 09/809,408
Transmittal for Amendment of October 21, 2004
IBM Docket: ROC920000313US1
WHA IBM/181

4. ☐ Attached is a check in the sum of \$_____ for additional claims.
☐ Please charge my Deposit Account No. 23-3000 in the amount of \$_____.

5. **The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply. Complete (a) or (b) as applicable.**

- ☐ (a) Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

	<u>Ext. Mos.</u>	<u>Large entity</u>	<u>Small entity</u>
<input type="checkbox"/>	one month	\$ 110.00	\$ 55.00
<input type="checkbox"/>	two months	\$ 430.00	\$ 215.00
<input type="checkbox"/>	three months	\$ 980.00	\$ 490.00
<input type="checkbox"/>	four months	\$1,530.00	\$ 765.00
<input type="checkbox"/>	five months	\$2,080.00	\$1,045.00

Extension fee due with this request:

\$ _____

Method of Payment:

Check enclosed in the amount of \$ _____

If an additional extension of time is required, please consider this a petition therefor.

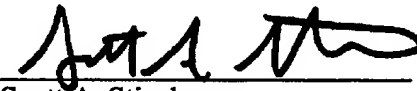
(Check and complete the next item, if applicable)

- ☐ An extension for _____ months has already been secured and the fee paid thereof of \$_____ is deducted from the total fee due for the total months of extension now requested. Extension fee due with this request \$_____.
- OR**
- ☒ (b) Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.
6. ☒ If any additional fee for claims or extension of time is required, charge Account No. 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

By:


 Scott A. Stinebruner
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OCT 21 2004

PATENT

IBM/181
Confirmation No. 3577

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jennifer Anne Dervin et al. Art Unit: 2115
Serial No.: 09/809,408 Examiner: Chun Cao
Filed: March 15, 2001 Atty. Docket No.: IBM/181
For: AUTOMATED NODE RESTART IN CLUSTERED COMPUTER
SYSTEM

AMENDMENT AND RESPONSE

Mail Stop AMENDMENT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In reply to the Office Action dated July 21, 2004, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 13 of this paper.

Page 1 of 20
Serial No. 09/809,408
Amendment and Response dated October 21, 2004
Reply to Office Action of July 21, 2004
IBM Docket ROC920000313US1
WH&E IBM/181
K:\bm\181\Amendment and Response to 7-21-04 OA.wpd